

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a	:	
Delaware corporation,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 04-1371-JJF
	:	
FAIRCHILD SEMICONDUCTOR	:	
INTERNATIONAL, INC., a Delaware	:	
corporation, and FAIRCHILD	:	
SEMICONDUCTOR CORPORATION, a	:	
Delaware corporation,	:	
	:	
Defendants.	:	

MEMORANDUM ORDER

The Court has received e-mail submissions from the parties regarding a dispute that has arisen in connection with the production of 225 pages of new documents by Plaintiff, Power Integrations, Inc. ("Power Integrations"). In light of this late production, Defendants, Fairchild Semiconductor International, Inc. and Fairchild Semiconductor Corporation ("Fairchild"), have requested a 90 day continuance of the trial scheduled to commence on June 4, 2007, so that they may have an adequate opportunity to conduct discovery on these new materials.

Because this request arises from the production of documents that Power Integrations was required to produce long ago, I find that any delay in the upcoming trial is chargeable to the lapse in performance by Power Integrations. However, I am unable to assess the reasonableness of Fairchild's request for a 90 day continuance without some sense of the prejudice Fairchild might

suffer because of the late production. Such an assessment must wait until after Fairchild deposes Dr. Eklund, particularly in light of Power Integrations' representation that it will not rely on the subject documents during trial.

My concern is that, while the parties engage in further discovery with respect to this late document production, the trial calendar becomes tentative and the summoning of jurors is impacted until a decision can be made on the continuance request. Unless the parties advise me by the close of business on **May 23, 2007**, that both agree to the trial beginning on June 4, 2007, I will continue the trial for one (1) to eight (8) weeks from June 4, 2007. The parties shall submit memoranda on their positions concerning the start date for trial by **Thursday, May 31, 2007**.

IT IS SO ORDERED.

May 23, 2007
DATE



UNITED STATES DISTRICT JUDGE